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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 JILBRAUN DANDTON AGNEW,  
12 Petitioner,  
13 v.  
14 MATTHEW CATE, Secretary of the California  
Department of Corrections and Rehabilitation,  
15 Respondent.<sup>1</sup>  
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Civil No. 11cv0757-BTM (RBB)

**ORDER GRANTING APPLICATION  
TO PROCEED IN FORMA PAUPERIS**

17 Petitioner, a state prisoner proceeding pro se, has submitted a Petition for a Writ of  
18 Habeas Corpus pursuant to 28 U.S.C. § 2254, together with a request to proceed in forma  
19 pauperis. Petitioner has no funds on account at the California correctional institution in which  
20 he is presently confined. Petitioner cannot afford the \$5.00 filing fee. The Court **GRANTS**  
21 Petitioner's application to proceed in forma pauperis, and allows Petitioner to prosecute the

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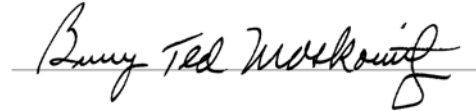
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25 <sup>1</sup> Petitioner named "Hedgepath, Warden" as Respondent. However, Anthony Hedgpeth is the  
26 Warden of the correctional institution where Petitioner is presently confined. In order to avoid changing  
27 Respondents in the future if Petitioner is transferred or paroled, the Court substitutes Matthew Cate, the  
28 Secretary of the California Department of Corrections and Rehabilitation, as Respondent in place of  
"Hedgepath, Warden." See Ortiz-Sandoval v. Gomez, 81 F.3d 891, 894 (9th Cir. 1996) (stating  
that the respondent in § 2254 proceedings may be the chief officer in charge of state penal  
institutions).

1 above-referenced action as a poor person without being required to prepay fees or costs and  
2 without being required to post security.

3 **IT IS SO ORDERED.**

4 DATED: April 21, 2011

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7 Honorable Barry Ted Moskowitz  
8 United States District Judge  
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